

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

THE DEL-NAT TIRE CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	No. 2:09-cv-02457-JPM-tmp
)	
A TO Z TIRE & BATTERY, INC.,)	
)	
Defendant.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND ORDER DENYING
PLAINTIFF'S MOTION TO STRIKE AFFIRMATIVE DEFENSES**

Pending before the Court is the Report and Recommendation of Magistrate Judge Tu M. Pham, submitted November 23, 2009 (Docket Entry ("D.E.") 23), recommending that the Court deny Plaintiff's Motion to Strike Affirmative Defenses (D.E. 6). No objections to the Report and Recommendation have been filed, and the time for filing objections has expired.

Upon de novo review of the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation in its entirety, and DENIES Plaintiff's Motion to Strike Affirmative Defenses.

So ORDERED this 8th day of December, 2009.

/s/ JON PHIPPS McCALLA
CHIEF UNITED STATES DISTRICT JUDGE